

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 JEREMY RAY FORINASH)
 a.k.a JEREMY RAY COLE,)
)
 Appellant.)
 _____)

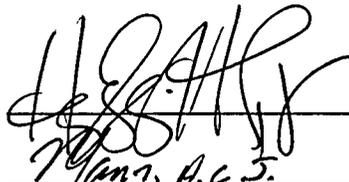
DIVISION ONE
No. 78011-5-1
UNPUBLISHED OPINION

FILED: MAY 13 2019

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PER CURIAM — Jeremy Forinash challenges legal financial obligations (LFOs) imposed following his convictions for misdemeanor and felony harassment. Gallagher contends, and the State concedes, that the trial court erred in imposing the \$100 DNA (deoxyribonucleic acid) collection fee due to evidence that he suffers from a mental health condition. See RCW 9.94A.777 (1), (2). The State further concedes that because the court found Forinash suffers from a diagnosed mental illness and does not possess any ability to pay non-mandatory LFOs, “[t]he record here is sufficient to conclude that the trial court also should have waived the \$100 DNA fee under RCW 9.94A.777.” We accept the State’s concessions and remand for the court to strike the DNA fee from Forinash’s judgment and sentence.

For the Court:



1/10/19, A.C. 5.

Appelwick CJ